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May 13, 2008

Honorable Richard M. Berman (Regular Mail)  
 United States District Court  
 Southern District of New York  
 500 Pearl Street  
 New York, NY 10007-1312

Re: **Pure Tech Systems v. Kemper Environmental Ltd. and  
 Kemper Indemnity Insurance Company**  
**07-CIV-7065 (RMB)**

2008

Sorry, You'll need  
 to step in the gas.  
 See you all on 6/13/08  
 (a) 9:00 A.M.

**SO ORDERED:**  
**Date:** **5/15/08** **Richard M. Berman**  
**Richard M. Berman, U.S.D.J.**

Dear Judge Berman:

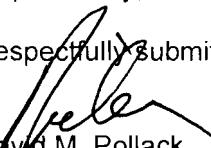
We represent both defendants in the above-referenced matter. Discovery was originally due to close on March 3. However, the Court agreed to extend it to June 13, 2008 at which time the parties are to appear before the Court. For the reasons set forth below, defendants seek one final extension for discovery of 90 days. Plaintiff has consented to this request. I enclose a new proposed Case Management Plan for the Court.

On February 14, 2008, we received nearly 30,000 documents from the plaintiff, which were Bates stamped but unorganized. We diligently conducted a thorough review of the documents and have narrowed the key documents to approximately 3,000. However, there are numerous documents that have not been sent to us, which are central to the issues in this litigation. A Second Notice of Discovery of Documents will be sent by e-mail to Plaintiff's counsel on or before May 16, 2008.

This litigation concerns the plaintiff, Pure Tech Systems, Inc.'s ("Pure Tech") request for insurance coverage for environmental closure costs associated with properties located at 2655 and 2727 Transport Road in Cleveland, Ohio. The documents produced thus far do not include a single deed or agreement demonstrating that Pure Tech owned either property, or that it had any ownership interest in either property that would trigger liability under the policies in question. Nor do Pure Tech's written discovery responses fully answer these questions. Furthermore, the documents that we received do not explain why or how Pure Tech, is liable for the closure costs. Additionally, the policies in question only pertain to 2655 Transport Road, but all of the closure costs for both locations have been bundled indistinguishably without any means for the defendants to determine which costs relate only to 2655 Transport Road.

Given the need for further discovery requests and multiple depositions to obtain the necessary information for determining property ownership and closure cost responsibility, the defendants respectfully request this additional final extension of time.

Respectfully submitted,

  
 David M. Pollack  
 DMP/cm

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BOSTON | NEW YORK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PURE TECH SYSTEMS, INC.,

Case No.: 07cv7065

Plaintiff,

**Proposed Case  
Management Plan**

Vs.

KEMPER ENVIRONMENTAL LTD, and KEMPER  
INDEMNITY INSURANCE COMPANY,

Defendants.

-----X

The following Case Management Plan is entered after consultation with parties.  
This Plan is also a Rule 16 and Rule 26 (f) scheduling order as required by the Federal  
Rules of Civil Procedure.

- (i) Joinder of additional parties by: Not applicable.
- (ii) Amend the pleadings by: Not applicable.
- (iii) All discovery to be expeditiously completed by: September 16, 2008.
- (iv) Consent to Proceed before Magistrate Judge: Not applicable.
- (v) Status of settlement discussions: September 16, 2008.

Sections vi through xi will be set at conference with the Court.

- (vi) Motions:
- (vii) Oral Argument:
- (viii) Joint Pre-Trial Order to be submitted by:
- (ix) Final Pre-Trial Conference:
- (x) Trial:
- (xi) Other:

SO ORDERED: New York, New York  
May \_\_, 2008